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THE BRESLAU RABBINICAL CONFERENCE¹.

THE third Rabbinical Conference met at Breslau, July 13-24, 1846. The very fact that it was convened in this East Prussian city near the Silesian border was equivalent to throwing down the gauntlet to the opposition to the conferences, much of which had emanated from that section. This opposition was now clearly defined. There was in the first place, as was natural, the rigidly orthodox party, whose opposition had not lessened since the days of the famous protest of the one hundred and sixteen rabbis against the Brunswick Conference; then there was the so-called positive historical school led by Frankel, whose sensational exit from the Frankfort Conference had aroused such notice the preceding year; and, thirdly, the radicals, who were dissatisfied because the Frankfort Conference had not declared against and abolished the whole ceremonial and traditional system².

This combined opposition may have been the reason why a smaller number assembled at Breslau than at Frankfort. In order to cripple the conference, too, Frankel had issued a call for an assembly of theologians to be held at Dresden on October 20, 1846, which meeting, however, never took place.

All this opposition, however, merely served to direct even more attention to this third conference than to its two predecessors, if such a thing were possible, notably as it was known that the deliberations were to be devoted primarily and chiefly to the all-absorbing Sabbath question.

¹ Article VII of the series on "The Reform Movement in Judaism."

² See Geiger, *Vorläufiger Bericht über die Thätigkeit der dritten Versammlung deutscher Rabbinen*, Breslau, 1846.

There were present at this conference: A. Adler, Worms; S. Adler, Alzey; J. Auerbach, Frankfort-on-the-Main; Ben Israel, Coblenz; D. Einhorn, Birkenfeld; S. Formstecher, Offenbach; A. Geiger, Breslau; M. Goldstein, Waren; J. Gosen, Marburg; L. Güldenstern, Buchau; L. Herzfeld, Brunswick; S. Herxheimer, Bernburg; M. Hess, Stadtlengsfeld; S. Holdheim, Schwerin; J. Jolowicz, Cöslin; J. Kahn, Trier; M. Levy, Breslau; L. Lövy, Münsterberg; J. Löwengard, Lehren-Steinfeld; L. Pick, Teplitz; L. Philippson, Magdeburg; G. Salomon, Hamburg; L. Sobernheim, Bingen; L. Stein, Frankfort-on-the-Main; H. Wagner, Mannheim; B. Wechsler, Oldenburg.

Geiger was elected President; Stein, Vice-President; and A. Adler and J. Auerbach, Secretaries.

In his opening address as chairman of the executive committee, Geiger referred to the increasing agitations in the Jewish communities since last they met; the many signs of re-awakened life on the one hand, and the disturbances of the peace on the other; therefore many a rabbi had been undoubtedly tempted to withdraw from active participation in the conflicts of the time lest he be misunderstood and antagonized. However, they who had assembled again spurned such cowardly retreat and felt in duty bound to search out the remedies for the religious distemper in Jewry. He defined the purpose of the conference, yes, of true reform, finely when he said:—

“The conditions are difficult and confusion in religious affairs appears to be on the increase; despite this, you are in this conference again making the courageous attempt to place the pure, eternal content of Judaism in a form suited to the present, and thus to breathe into it a new and powerful spirit. You wish to convince, to lead to the truth, not to forge bonds and fetters; you know full well that you do not appear here as guardians of consciences, that you have no sovereign power over the inalienable religious freedom of congregations and individuals, nay, you would repudiate such power were it to be offered you,

for true religion can prosper and grow only in the atmosphere of freedom of conviction. Not, then, as spiritual despots are we assembled, but as men who, familiar with the sources and history of Judaism, and anxious for its living preservation both by our inner as well as our outer calling, are fitted by constant attention to passing occurrences and by experiences in office to become acquainted with the needs and to propose remedies to the congregations with whom lies the final decision. Not the cleric stands over against the layman (a distinction foreign to Judaism), but the knower of Judaism, the man who has made it his task to follow up the movements of history and to foster the religious life—such a one seeks to exchange opinions and experiences with his colleagues and thereupon to recommend to his congregation the results of such deliberation and consultation. Our mission is to strengthen the hold of truth and piety, and in such instances where these have become stunted we must seek to burst the crust which has formed about them. This is a *סחירה על מנת לבנות*, a tearing down in order to plant; we shall foster the living and the virile; may the creeper which sucks sap and strength from the tree be uprooted."

The chief interest in the Breslau Conference centres about the Sabbath discussions. Possibly nowhere was the conflict between the commands of rabbinical Judaism and the demands of life so apparent as in the matter of Sabbath observance. The casuistry of Talmudical dialectics ran riot in this field. Thirty-nine chief categories (*ל"ט אבות*) were enumerated in the Mishnah, i. e. important labours that were forbidden, and from these were derived the innumerable *תולדות* or minor tasks that were prohibited likewise. Then there were the many *סייגים* (fences), *מנהגים* (customs), and *חקקות* (enactments), which the Talmudists framed in their anxiety to guard the completeness of the Sabbath rest. The fiction of the *עירוב* demonstrated most forcibly the lengths to which casuistry was driven to maintain a forced system, and the refinement of dialectic

speculation has surely never gone further than in the matter of שבות. As long as the Jews lived in isolated communities such an observance of the Sabbath was quite possible, but when they began to participate in the life of the larger world, the collisions between that life, with its changed industrial, economic, and social conditions, and the hundred and one prohibitions wherewith the Talmud had hedged about the observance of the Sabbath, were constant. It was not long before the question of Sabbath observance became a burning issue in Jewish life; the inadequacy of Talmudism and rabbinism to cope with the situation was more painfully apparent here than anywhere else. To observe the Sabbath as the Talmud and the codes demanded was simply out of the question. Many without scruple disregarded all the traditional enactments concerning Sabbath observance, but there were thousands who were troubled sincerely; the Sabbath had always been one of the basic institutions of Judaism; they desired to observe it; but life was pressing on every side; strict sabbath observance as required by the code and life's demands were apparently incompatible. Was there any method of reconciliation? Could the Sabbath be preserved and the demands of life be satisfied at the same time? Here, if anywhere, the people looked for help and guidance to their religious leaders.

These leaders appreciated the seriousness of the problem which soon assumed a leading place among the practical difficulties that assailed Judaism in the new era, and because the most of them were unable to find any effective solution they hesitated to grapple with it. However, it was too insistent and too important to be disregarded, and notably at gatherings where vital questions of Jewish thought and practice were the topics of the hour¹. Hence Samuel Hirsch

¹ Geiger, *Die dritte Versammlung deutscher Rabbinen: ein vorläufiges Wort zur Verständigung*, Breslau, 1846, p. 7: "This question must be decided if Judaism is to exist on as a lasting influence, and it will be decided if it is kept constantly on the tapis; it must be decided some one way

proposed at the first conference that the collision between life and doctrine be removed by the abolition or alleviation of numerous Sabbath and dietary laws¹. This was at the closing session of the conference, but the subject was too difficult and of too great moment to be taken up at so late an hour. It was therefore resolved to refer it to a commission to report at the following conference. The following members of the conference were elected to serve as this commission: Geiger, A. Adler, S. Adler, Wechsler, and Kahn. The commission reported at the Frankfort Conference, but so much of the time of that conference had been devoted to the discussion of the report of the commission on the Liturgy that it was considered advisable to postpone the consideration of the report of the Sabbath Commission till the next conference, when it was to be made the first order of business. The report of the commission was not unanimous; a majority, Geiger, A. Adler, and Wechsler, signed the report, but the other two members, S. Adler and Kahn, dissented. The majority report was ordered to be printed and distributed to the members of the conference, so as to give them ample time to study it during the intervening year. The majority report² opened with a brief statement of what constitutes the essentiality of the Sabbath idea; in the opinion of the majority of the commission "the Biblical idea of the Sabbath is the celebration of the day; it is a *שבת*, a cessation from the work which marks the other days of the week, different, however, from the rest which is equivalent to complete idleness. The celebration is a consecration of the day (*ויקדשו, לקדשו, עני*), and this consecration implies an

or another by a ripe resolution of the community. One of the most essential institutions of Judaism is the day of consecration and rest, and with this Judaism itself must be rescued from the unspeakable confusion and haziness in whose maw the whole religious life is in danger of being swallowed; rescue from this confusion will ensue only when it is exposed vividly in its imperfection and emptiness."

¹ *Protokolle der ersten Rabbiner-Versammlung*, 87, J. Q. R., XVII, 677.

² *Protokolle der zweiten Rabbiner-Versammlung*, 348-57.

abstention from the daily professional and business pursuits. While the prophets place the consecration (*Weihe*) of the day in the foreground, the legislative portion of the Bible lays stress on the prohibition against work (מלאכה), and names it שבת, rest, the interruption of the daily toil." In the Bible rest from work was commanded in order to make possible the consecration of the self on that day. In the later outworking of the Sabbath conception in Mishnah and Talmud the greatest stress was laid on the necessity of rest. Complete absolute rest was taken to be the essential point in Sabbath observance; hence the scrupulosity of Talmudic legislation on this point, and the prohibition of numberless activities on the ground that, although harmless in themselves, they might lead to an infraction of the commands touching the Sabbath¹.

The report then proceeds to lay down the general principle which the signers say they believe guided the conference in its deliberations, viz. that they must adopt the Biblical point of view, and that individual instances of Biblical legislation may be modified only in case circumstances that gave rise to them have been changed, but that Talmudism is only a stadium in the historical development of Judaism, and that therefore the Talmudical interpretation can lay claim to consideration only when harmonizing with the demands of life. Applying this principle to the case in hand, we must return to the Biblical idea of the Sabbath, which, as in the case with divine truth in general, has eternal validity; while the Talmudic conception, whenever it is not the development of the Biblical idea but contradicts it as well as our own religious consciousness, can lay no claim to consideration. We must then re-emphasize the Biblical idea that the Sabbath is a day of consecration which is sanctified

¹ As will be seen later on, this constituted possibly the sharpest point of distinction in the views of the members of the conference, viz. whether the essential idea of the Sabbath is rest (*Ruhe*) or consecration (*Weihe*).

through our sanctifying ourselves ; a day the distinctiveness of which is to be brought forcibly home to us by our ceasing from our daily toil and our special tasks, and giving ourselves to contemplation on the divine purpose of our existence as indicated by Jewish teaching. Hence, no task should be forbidden which conduces towards recreation and spiritual elevation, which serves to lift us out of our circumscribed environment and to arouse in us thoughts of a higher nature. The detailed enumeration of prohibited tasks in the Talmud is characteristic rather of juridical method than of true religious striving. The all-important consideration in this matter of prohibited activity is whether such activity interferes with or furthers Sabbath consecration.

Since then rest is not an end in itself, but only a means towards a higher end, viz. the consecration of the day, and since in our time that consecration expresses itself through divine service, all such activities as are necessary for the furtherance of that service must be permitted.

The commission recommended the following definite programme :—

1. That the conference declare that the members consider it one of their most important duties to work towards the restoration of a worthy observance of the Sabbath.

2. That the conference declare that all such activity as is part and parcel of the daily business or professional vocation is forbidden, while any activity that makes for recreation or spiritual elevation, particularly if it tends to arouse a religious mood, not only does not harm Sabbath observance, but furthers it.

3. That the conference declare that any task which conduces towards a dignified and uplifting public divine service, or which makes it possible for the individual to participate in an edifying service, may be performed also by a Jew. Of such is particularly the performance of music on the Sabbath, both at home and in the synagogue ; walking beyond the so-called Sabbath boundary, riding

and travelling if the purpose be not the transaction of business, but the attendance at divine service or some similar high aim. The conference declares the fiction of עירובי תחומין¹ as inadmissible if for industrial purposes, or as unnecessary if for religious purposes; it declares the prohibition to carry things, in as far as this is not done for business purposes, hence also the fiction of עירובי הצרות², as abolished.

4. That the conference declares that the observance of the Sabbath may not ignore considerations for the preservation of life and temporal welfare; in cases where life is threatened or is in danger any deed to avert this is permitted, yes, commanded; in cases where the livelihood is at stake non-Jews may be employed, and, if it should happen that the assistance of Jews is absolutely necessary in such instances, the Sabbath may be suspended by them exceptionally.

5. That the conference declare that participation in the welfare of the State is so exalted a duty that the observance of the Sabbath must yield to this in cases of collision. It declares therefore that the soldier is absolved from the observance of the Sabbath if military discipline demands this; it declares that the civil official must perform the duties of his office on the Sabbath if fealty to the State

¹ No one was permitted to go further than two thousand cubits from his dwelling on the Sabbath; by the casuistical provision called *Erube T'chumin* "the mixing of the boundaries," this distance was extended two thousand cubits; by this provision some article could be placed on Friday at the Sabbath boundary, which was thus constituted a new dwelling-point whence to measure a further two thousand cubits.

² According to the rabbinical law nothing was permitted to be carried from one house to another on the Sabbath Day; this prohibition, too, was evaded by a casuistical provision entitled *Erube Chatzeroth*, "the mixing of the courts"; according to this the householders in a court or district were enabled to consider their habitations as a single dwelling, and thus carry things from house to house without breaking the Sabbath law. Both these provisions are instances of the accommodation of the rabbinical enactments to the needs of life, and are evidence of the extreme lengths to which casuistry went for the ostensible preservation of the integrity of the rabbinical provisions.

requires it, provided that he aim to restore the sacredness of the Sabbath in some other way, namely, in his home.

S. Adler, a member of the commission, declared himself entirely at variance with the majority in their conception of the fundamental idea of the Sabbath, and Joseph Kahn, another member, stated his disapproval of some of the recommendations.

As stated, the consideration of this report was deferred to the following conference. The amended report of the commission was presented at the first session of the Breslau Conference. The debate began on the morning of the second day of the session, and continued at intervals morning and afternoon for nine days; every member of the conference expressed himself at greater or less length. I shall attempt to emphasize the more important points elucidated during the debate.

In bringing the subject before the conference Geiger, the chairman, stated that upon further deliberation the majority of the commission had determined upon some modifications in the recommendations submitted at the preceding conference. These modifications arose from the fact that while in the first report the rest through which the consecration of the day was made possible was conceived to be only the cessation from daily toil, the commission regards the abstention from all activity requiring exertion just as necessary if the Jewish conception of the Sabbath is to be realized and the true consecration of the day to be achieved. With this in view the committee had so changed the recommendations as to read as follows:—

1. That the conference declare that attention must be directed to arousing among the people an ever livelier consciousness of the holiness of the Sabbath through the means of a lofty divine service, and that it is necessary for the proper consecration of the day to abstain from all labour, whether it be in the nature of the daily occupation or whether it be an occasional task requiring exertion;

on the other hand, any activity which is not for gain and does not require exertion is permitted.

2. That the conference declare that the celebration of the Sabbath by a worthy divine service is of such supreme importance that no activity, however much exertion it may require, is prohibited if necessary for this purpose; hence, any task which conduces towards dignifying the service or makes it possible for the individual to participate in an edifying service may be undertaken also by a Jew.

3. That the conference declare that any and everything is permitted, nay, commanded, to be done when necessary to avert danger to life.

4. The same as the fifth paragraph in the former report.

The majority of the commission whose views the report reflected, believing that consecration is the essential factor of the Sabbath, naturally laid greatest stress on the matter of divine service. They felt that if the Jew could be attracted to the house of worship this would give the Sabbath that unique place among the days of the week which it was intended to have in Jewish life; by placing greater stress upon the consecration than upon the rest idea they cut themselves loose from the extravagances of casuistry into which the anxiety of having the people abstain from any and everything that even the most refined ingenuity might define as work had led the Talmudical doctors. The commission itself felt that the report was inadequate and was at best only the firing of the first gun in a long campaign, as Geiger stated when, as president of the conference, he made the opening remarks in bringing the subject before the body. Sabbath and holidays, said he, are the bone and sinew of Jewish religious life; our aim must be to restore the sanctity of these days for congregation and individual; this purpose appears in both reports of the commission. "The matter is extremely difficult, for here, if anywhere, a great conflict is apparent between doctrine and life. Lamentations avail not. We must face conditions as they are. Even if

we do not succeed entirely in reaching a solution, let us begin bravely; later conferences will continue what we have begun¹."

A comparison of the original report of the commission to the Frankfort Conference with the amended report handed in at Breslau discloses a wide difference in spirit. The Frankfort report deals boldly with the problem, and attempts to meet the situation by a re-adjustment all along the line of Sabbath observance; the Breslau amendments show a hesitancy to meet the situation face to face, which is absent from the original report. The amended report was due without doubt to the criticisms to which the original report had been subjected during the year intervening between the two conferences. The commission

¹ Sixty years have passed since the question of the collision between Sabbath observance and modern life was discussed for the first time in a public Jewish forum. The passing of time has only aggravated the problem. Sabbath desecration has become more and more flagrant among the Jews, until now it is well-nigh universal wherever the mediaeval and ghetto conditions have disappeared. In the prayers offered in the synagogue God is thanked for the Sabbath, the day of rest, while in the marts of trade at that very hour the Jew is as busy as on every other day of the week, bartering and bargaining. The problem first discussed at Breslau is as far from being solved as ever, unless the suggestion already made at that conference by Holdheim, that the Sabbath be transferred to the civil day of rest, be considered a satisfactory solution. An interesting parallel is afforded by comparing the first public debate on the Sabbath question at this Breslau Conference and the last public discussion of this same question at the meeting of the Central Conference of American Rabbis in New Orleans in 1902, at Detroit in 1903, and at Cleveland in 1905. The same difficulties are presented; the same conflicting opinions are noted; here, as there, the majority cry, "The Sabbath must be saved," but no efficient means for that salvation are offered; here, as there, a small minority declare that a transfer to Sunday will alone save the Sabbath institution for the Jew. Now, as then, it is evident that the weight of Jewish opinion inclines to the conviction that for the Jew there can be no Sabbath except the Saturday Sabbath; but again, now, as then, it is just as evident that the collision between the actual conditions of life and Sabbath observance presents the greatest difficulty in Jewish practice, and that after the lapse of all these years, it is as far as ever, if not farther, from being settled.

took account of the criticisms, and so changed the report as to give satisfaction to none in the end, neither radicals, moderates, nor traditionalists.

Space will not permit the reproduction at length of the arguments of the members of the conference on what is the essential nature of the Sabbath, nor is this necessary. Each one had his own theory of the Sabbath, and many propounded this in great detail. It was regrettable that so much time was devoted to academic discussions of the question and so little to a practical solution of the difficulty. What was desired and required was a way out; the Sabbath was not being observed as a day of rest; thousands were following their vocations—business, professional, industrial; could anything be done to relieve the strain of the situation and restore the Sabbath to the Jew? Geiger, in his *résumé* at the close of the entire discussion, stated that something must be done to preserve the Sabbath, and that the commission's suggestions were made with that end in view, but he confessed that they could suggest no satisfactory remedy that would remove completely the collision between life and Sabbath observance¹.

Auerbach declared in a similar vein: "Our civil day of rest is another than our traditional Sabbath. This constitutes the chief collision. The commission has offered no suggestion how this is to be removed; I have none to offer either²." There were those who, like Salomon, felt that the question had better not have been taken up at all, for no satisfactory solution could be reached. "A very simple idea," he stated, "lies at the foundation of the Sabbath; man, the image of God, shall not toil unconsciously, like the animal, unremittingly, like the slave; he should work

¹ *Protokolle der dritten Versammlung deutscher Rabbiner*, 160; see also *Die dritte Rabbiner-Versammlung: ein vorläufiges Wort zur Verständigung*, p. 4: "I am frank to confess that the results achieved by the Conference towards a solution of the Sabbath problem are small in comparison with the great collisions between Sabbath observance and life."

² *Protokolle*, 13. See also Stein, *ibid.*, 167; A. Adler, *ibid.*, 171; M. Levy, *ibid.*, 172.

from higher motives, viz. religion; he should rest in order that he may learn to know himself and his dear ones, that he may concern himself with spiritual matters in order to further the well-being of life and the spirit. How this simple idea has been spun out by later generations of men! how the institution of the Sabbath has degenerated! what a thousand and one fences have been erected about the Sabbath! Because of these things the deliberations on the Sabbath are the most difficult, and I still believe—despite the splendid addresses that we have heard—that it would have been better to consider the Sabbath a *noli me tangere* and not to have taken it up for the present; for whatever decision we may arrive at will anger one class and be decried as foolishness by another; the former, for whom every inherited folly is holy, will persecute us as though we had stolen their God, the latter, for whom every holy thing is folly, will mock at us if we permit them such things as they have permitted themselves long ago¹.”

In truth, the confession of powerlessness to solve the difficulty on the part of so many able men is a very striking feature of the debate. One feels that the remedies suggested by the members of the commission and others were only makeshifts, temporary supports against the on-rushing avalanche of life which was engulfing all the thoughts and activities of the emancipated Jew. All but one: the remedy proposed by Holdheim that the Sabbath be transferred to Sunday was certainly not a makeshift, whatever else it may be considered to be or not to be; it met with little sympathy on the part of the other members of the conference, but, before giving attention to this one drastic solution, it is necessary to indicate in brief the thoughts expressed on the nature of the Sabbath and the significance of the Sabbath idea.

The question that divided the members of the commission as to whether the idea of rest or of consecration was the essential feature of the Sabbath also lined up

¹ *Protokolle*, III.

the members of the conference on opposing sides. In the course of the debate Wechsler¹, S. Adler², Holdheim³, Herxheimer⁴, Herzfeld⁵, Goldstein⁶, and Sobernheim⁷, argued that the rest is the fundamental purpose of the Sabbath⁸, while Geiger⁹, A. Adler¹⁰, Gosen¹¹, Pick¹², Salomon¹³, Levy¹⁴, and Jolowicz¹⁵, claimed that consecration was that fundamental purpose; Stein¹⁶ and Wagner¹⁷ contended that both rest and consecration were fundamental to the Sabbath idea. The practical outcome of this difference of opinion naturally was that those who considered the rest idea fundamental laid greatest stress on the observance of the day as a time of cessation from all work, while such as claimed the consecration idea to be fundamental contended that the Sabbath observance culminated not in idle abstention from work, but in sanctifying thought and sentiment by worship and prayer. There is no justification in making this broad distinction. There can be no doubt that both rest and consecration are inherent in Sabbath observance; the word שבת (Sabbath) itself means rest, and the resting from toil was to be combined with acts of consecration and sanctification; i. e. the rest was to be used positively to make of the Sabbath a delight, the honourable and honoured day of God, as the prophet declares. Holdheim drew the picture of the development of the Sabbath idea so clearly that his argument may well be reproduced:—

“In the Bible, especially in the Pentateuch, שבת means rest from earthly toil; hence the cessation from

¹ *Protokolle*, 40.

² *Ibid.*, 51.

³ *Ibid.*, 59. Holdheim argued that according to the Mosaic conception rest is the fundamental idea of the Sabbath, but that in the development of Judaism consecration became the positive element of Sabbath observance, and that at present this is the essential feature. See below.

⁴ *Ibid.*, 83.

⁵ *Ibid.*, 103.

⁶ *Ibid.*, 143.

⁷ *Ibid.*, 150.

⁸ So also Samuel Hirsch, *Israelit des neunzehnten Jahrhunderts*, VII, 266.

⁹ *Protokolle*, 87.

¹⁰ *Ibid.*, 77.

¹¹ *Ibid.*, 80.

¹² *Ibid.*, 97.

¹³ *Ibid.*, 111.

¹⁴ *Ibid.*, 145.

¹⁵ *Ibid.*, 155.

¹⁶ *Ibid.*, 118.

¹⁷ *Ibid.*, 125.

usual work and not the active celebration is the chief moment; rest is commanded, but not religious celebration, unless it be the double sacrifice. But 'rest' connotes not only the intermission of all disturbing toil, but also the positive realization of the Sabbath idea through consecration; this positive side is in truth the more important; to find this we must only bear in mind in what the essence of time exists and what God's relation to it is. Time is absolute motion; its birth is also its passing; it is constant change, hence one might say that its being is non-being. Opposed to this essence of time is the being of God as the true existence, *יהוה*, and at the same time the absolutely constant, unchangeable, immoveable being, i. e. the conception of *rest* as over against motion or restlessness. Therefore if a season is to be considered a season of God (*Gotteszeit*), it must be conceived as a rest-time (*Ruhezeit*). Rest gives it the appearance and character of the divine, and thus imparts to it the higher sanctity. Hence rest is the symbol employed by man to designate the day of God; and in this manner the rest on the Sabbath became an actual recognition of God in his relation to time, a serving of the Eternal in his infinite exaltation over all that is transient, changeable, and vain. It is, however, a mistake to think only of the negative side of the Sabbath conception, viz. the cessation from labour; the Sabbath aims to take man out of the transitory and ungodly, and lead him to true existence and life, to *יהוה*; hence the Talmud is correct when it defines the rest on Sabbath and holidays, the *שביתה* as the positive command (*מצות עשה*) and the abstention from labour as the negative (*מצות לא תעשה*).

"Since rest is the fundamental idea in the Mosaic conception of the Sabbath, the reason for its institution is connected with the highest and most important things, viz. God's rest after creation, the covenant of God with Israel, and the deliverance from Egypt. The conception of God's resting after creation points to the absolute difference

between God and the world he created, between the Creator and the creature, and accentuates the true meaning of rest as the eternal element over against the mutability of time (see above; Exod. xx. 8-11; Gen. ii. 2, 3; Exod. xxxi. 17).

"The covenant of God with Israel is mentioned as the reason of the Sabbath (Exod. xxxi. 13, 17). The recognition of God as Creator is the revelation of the absolute difference between God and the world; it includes the recognition of his unity and personality as well as holiness; this characterizes the difference between Mosaism and other religions; since the Sabbath in its fundamental idea refers to this revelation, its celebration is the actual recognition of it; he who observes the Sabbath becomes the bearer of the sign of this relation; the non-observance of the Sabbath had to appear as a violation of the covenant and was an actual falling away from the One true God, Creator of heaven and earth; hence it implied idolatry, and therefore the command to observe the Sabbath is joined with the warning against idolatry and backsliding (Lev. xix. 3, 4; Ezek. xx. 16-20; xxiii. 36-9). The deliverance from Egypt is mentioned as the reason for observing the Sabbath in Deut. v. 12-15; this was also conceived as a creative act, the creation of a people. God is called *בורא ישראל*, and the object of this creative omnipotence was the sanctification of the people; hence, there is here the same general idea upon which Sabbath rests in the other cases, viz. creating and sanctifying.

"From all this it grows clear why such stress was laid upon the observance of the Sabbath. Those truths on which the religious and political existence of Israel rested were concentrated in the Sabbath idea, and its non-observance therefore implied the denial of those truths; for this reason extermination (*כרת*) was the punishment for the Sabbath-breaker (Exod. xxxi. 14)." Proceeding with his argument, he proved this from the philosophers and commentators.

Hence traditionally "rest is the symbol or ceremony, and the presentation of the Sabbath idea is intimately

connected with the whole symbolism of the Mosaic law. Therefore all such work is forbidden in the Bible on the Sabbath which disturbs rest; were the celebration the chief moment, as the commission asserts, then only such work would be forbidden as disturbs the celebration; but rest is the chief moment, and everything opposed to it is forbidden.

"In the later historical development of Judaism in the Talmudical era, and in all likelihood in the prophetic age (as seems likely from some hints), there was developed, besides the rest as the negative side of Sabbath celebration, the positive element which aimed at the religious refreshment of the spirit by reading from the law and by divine service. That this involved a conflict between Mosaism, which regarded rest as the chief moment, and a new conception which gave an ethical and moral interpretation to the Sabbath was not recognized, but the two were accepted together; the Sabbath continued to be considered the chief symbol representing creation and all other ideas; the Mosaic Sabbath-rest and the later Sabbath-sanctification existed on together.

"How is it with us? Can we with our modern culture accept the notion of antiquity that the Sabbath-rest in itself implies all these fundamental doctrines of God as Creator, Israel as the covenant people, &c., and that by resting we confess these things and that not resting is equivalent to a denial of these most important religious truths? We must certainly answer No! if we wish to be honest. We have left behind us the symbolic age. A religious truth is significant for us, not because we symbolize it by some ceremony, but because we grasp it intellectually and it becomes a very part of our nature. Hence we cannot consider that he really observes the Sabbath who passes the day in indolent rest, although according to Biblical and later ideas he would be doing so. Rest in itself contains nothing positive, and is significant for us only as the negative condition, and

means making possible the observance of the Sabbath by spiritual uplifting.

"If we ask then what work is forbidden, the answer is easy; as, from the Biblical standpoint, where rest is the chief thing, all activities are forbidden that disturb rest, so, from our standpoint, where the observance (*Feier*) is the essential and rest only a condition, any activity is forbidden that disturbs the observance¹."

In this statement of Holdheim reference is made to the Sabbath as a symbol. On this point, too, some of the leading spirits of the conference differed absolutely; thus Einhorn claimed that throughout the Bible the Sabbath is designated (אָת) a symbol; it symbolizes freedom from labour (Deuteronomy) and rest from creation (Exodus) שבת מורה על חדוש העולם; all productive labour must be intermitted; in post-Mosaic Biblical writings the Sabbath is emphasized as the symbol of Israel's holiness as contrasted with the peoples of the world; in the Talmud it is held to be the symbol of creation². Geiger on the other hand declared flatly that the Bible does not consider the Sabbath a symbol³.

Formstecher also contended that "the Sabbath is not a symbol, but an end in itself. Each of the Ten Commandments is an end in itself, and not a symbol; hence also the Sabbath. Further, the pre-exilic prophets, who urge that symbols, like sacrifices, fasting, &c., must yield to God-fearing conduct, all insist on the observance of the Sabbath; hence, they could not have looked upon it merely as a symbol⁴."

Auerbach, too, held that the Sabbath was not a symbol; but he did not rest content with this negative statement, but injected a new thought into the discussion when he designated the Sabbath to be an institution⁵. "Judaism lives not in an abstract creed, but in its institutions,"

¹ *Protokolle*, 68-73.

² *Ibid.*, 57.

³ *Ibid.*, 87.

⁴ *Ibid.*, 146.

⁵ *Ibid.*, 130. Earlier in the debate A. Adler had hinted at this when he called the Sabbath a State institution (*Staatsinstitution*).

he said; "it is not merely doctrine, but a religion of deed. Israel itself is a divine institution, standing forth prominently in history, effective through its very existence. The Sabbath institution permeates all of Mosaism; hence the sanctification of the seventh week, the seventh month, the seventh year, and, finally, the jubilee year."

It would be interesting to reproduce more of the exhaustive, learned, and spirited discussions that occupied so many of the sessions of the conference, but enough has been given to indicate the chief thoughts that were brought forth in the academic and theoretical consideration of the subject. What, however, about the practical suggestions for the solution of this vexed problem of Sabbath observance? Were there any such suggestions? As noted above, both the commission and individual members of the conference confessed their inability to offer a complete remedy. The best they could do was to claim that a beginning was made at this conference, and that future conferences must continue considering the question until a final and satisfactory solution should have been reached. The commission itself, basing upon the thesis that the consecration of the day was its essential feature, believed that if the services in the synagogue were made of such a character as to attract and edify the people this would gradually react upon life, and the people would be so impressed with the consecrated character of the day that they would sacrifice material considerations, desert the business marts, interrupt economic and industrial pursuits, and give the Sabbath its proper place as the weekly season of religious consecration. Time has demonstrated how fallacious was this argument, and how delusive this expectation. Another practical suggestion was that of Formstecher's advising the formation of Sabbath associations in various communities whose object it was to be to foster the spirit of Sabbath observance among such as could be induced to enrol themselves as members. The

recommendation was embodied in the report as finally adopted by the conference. The third practical suggestion was that suggested by Holdheim and Hirsch, viz. the transfer of the Sabbath to the civil day of rest. The Breslau Conference will remain notable, if for no other reason, for the fact that it was during its sessions that this drastic measure was first suggested as the only solution of the Sabbath difficulty. Hirsch hinted at it when he moved for the appointment of the commission at the Brunswick Conference. He was unable to attend the Breslau meeting, but he sent a communication in which he stated that the conflict between religion and life in the matter of Sabbath observance can be removed only by a transfer to Sunday; he closed his communication by offering as a motion that "the conference should declare that the Sabbath idea can find expression on any other day. Therefore no community steps out of Judaism which celebrates the Sabbath on a day other than that observed up to this time¹."

At the close of his lengthy address² at the fourth session of the conference Holdheim declared his position in the matter in unambiguous terms. He stated that he would not offer a resolution recommending the transfer to Sunday because he was convinced that this would be rejected with indignation by the great majority of the people, and hence it could not be expected that it would be concurred in by the religious guides, but he felt that he must express his views, because freedom of expression was and must remain the prerogative of every member of the assembly. He then declared unreservedly "all our effort for the restoration of a worthy celebration of the Sabbath is fruitless, and there is unfortunately no thorough remedy whereby the conflict between the Sabbath and the demands of daily life can be removed other than the transfer of the Sabbath to a civil day

¹ *Israelit des neunzehnten Jahrhunderts*, VII, 267-8.

² *Supra*, p. 634.

of rest. I deny that this is a concession to Christianity; I have in view the only possibility of a worthy celebration of the Sabbath. The wounds from which our religious life is suffering affect us all most powerfully, and perplexity will be the result of all our endeavour until the time shall come when the only possible remedy for the disease will be applied." He then continued by saying that the difficulty of the transfer lay not so much in the purely religious as in the symbolical significance of the Sabbath, viz. the Biblical statement that God had rested on the seventh day after the completion of the creation and had sanctified and hallowed it, as well as in the later reference of the command of Sabbath rest to this fact, whereby it becomes certain that this command to rest refers to the seventh day (שבת בראשית). The celebration of a definite seventh day is therefore closely connected with its symbolical significance. The celebration of this definite day symbolized in an earlier time distinctive Jewish ideas in contrast with heathenism; in itself, apart from these ideas which have become our property, it can have no significance for us. If we wish to avoid anthropomorphism we can understand the story that God rested on the seventh day in no other way than that God manifested thus the absolute difference between himself and the world which he created. Since we claim that this and all cognate beliefs are no longer realized by man through rest, we must observe the Sabbath hereafter not through mere rest, but through active consecration and the sanctification of life; for the Bible phrase 'man shall sanctify the Sabbath,' we must substitute the words 'man shall consecrate himself on the Sabbath'; every reason for the observance of the definite day falls away, and the purely religious significance of the day cannot contain any religious obstacle to the transfer if this is demanded by other religious reasons. Since the Sabbath is of decisive influence for the preservation of religion, the reasons for the transfer of the same must be sought

and found exclusively in the interest taken in the preservation of the religion. The Sabbath is in conflict with life, and experience teaches that it is losing ground daily in this conflict, and that there is no hope for its issuing victoriously from the conflict. The rabbinical conference has undertaken the peaceful adjustment of this conflict. If it succeeds in this, there can be no talk of a retreat of the Sabbath. If, however, there is no other manner of settling the conflict peaceably, then the religion is threatened by the greatest danger, and it must demand dictatorially for its self-preservation the transfer of the Sabbath to another day as the only effective remedy. Hence the religious reason for the transfer is no other than this, viz. to save the religion from certain destruction.

He then said that he forbore to give other reasons because these were of a subjective and individual nature. If those who truly observe the traditional Sabbath protest against a transfer, they are quite right and consistent, since for them the religion is in no danger, inasmuch as the Sabbath asserts itself as victor in the conflict with life. If these, however, deny the right of such as really no longer observe the Sabbath to make this transfer, they are in the wrong, for here there is really danger, and for religion's sake energetic action must be taken. This non-observing section of Jewry has concurred thus far only in the negative aspect of the transfer, viz. the non-observance of the historical Sabbath; the positive observance made possible through the transfer must be given them if they are not to be entirely alienated from the religion and the religion be lost for them and they for it.

He concluded by calling attention to a Biblical precedent, viz. the permission given to such as were prevented from celebrating the Passover at the prescribed time to do so a month later. "The religious purpose of the Passover feast could be attained through the postponed celebration,

so can also the religious purpose of the Sabbath be attained on another day. Such as believe or fear that the preservation of Judaism is conditioned by ceremonial externals rest under a delusion. . . . We wish to save the Sabbath for Judaism and Judaism for the Sabbath, even at the cost of surrendering the symbolical shell of transitoriness¹."

This suggestion of Hirsch and Holdheim found no place in the official resolutions of the conference², but it was referred to time and again in the course of the debate³.

¹ *Protokolle*, 70-3.

² Holdheim touched this point in the open letters which he published on the work of the conference. His words are of interest: "The conference was convinced that the breach between religion and life could not be repaired by the resolutions adopted in the matter of Sabbath observance, and yet it had not the courage to even name the only possible extreme remedy, viz. the transfer to Sunday. They deceived themselves and others by the phrase that a proper celebration of the Sabbath would strengthen the religious sentiment once again and make the demands of life yield; they closed their eyes wilfully to the fact that existing conditions will not permit the re-institution of a proper celebration of the Sabbath, and therefore make the strengthening of the religious sentiment through this means impossible; this is possible of attainment only by a transfer of the celebration of the Sabbath." "Offene Briefe über die dritte Rabbinerversammlung," *Israelit des neunzehnten Jahrhunderts*, VII, 364. For his further views on the subject see his *Geschichte der jüdischen Reformgemeinde in Berlin*, 49, 148, 183, 196, 204, 209.

³ *Protokolle*, 94. In his first pamphlet on the work of the conference, to which reference has been made several times, Geiger shows how impossible it was for the conference to make a pronouncement on the subject (*Die dritte Rabbinerversammlung: ein vorläufiges Wort zur Verständigung*, p. 8), but he declares that the institution of a supplemental service on Sunday is the prerogative of any congregation (p. 9), and he goes on to say: "I consider the need of the present (for a service on Sunday) as so important that it must be satisfied in spite of ulterior apprehensions of what may happen, but because of these apprehensions precautions should be taken when a service of this kind is instituted that will remove such apprehensions as far as possible." In later years he favoured a monthly service on Sunday, which would give a great portion of the congregation the opportunity to attend, and at the same time not interfere with the rights of the Sabbath. *Nothwendigkeit und Maass einer Reform des jüdischen Gottesdienstes*, Breslau, 1861; republished in *Nachgelassene Schriften*, I, 226; see also *Jüdische Zeitschrift für Wissenschaft und Leben*, I, 77-8.

With the exception of Hess¹, all who touched the subject, viz. A. Adler², Salomon³, Stein⁴, Philippson⁵, Wagner⁶, and Formstecher⁷, disapproved strongly. Salomon, in concluding his remarks, said: "So much is certain, we must alleviate the Sabbath observance for the people if the Sabbath is not to fall in the background altogether, and it be found necessary then to transfer the Sabbath to the Sunday. God forbid! For to transfer the Sabbath to the Sunday would mean to serve two masters; it would mean coquetting with Christianity! that would signify the destruction of Judaism!" Stein expressed himself similarly: "I am firmly convinced that Holdheim is actuated by the purest motive and the sincerest desire to help our sick Judaism (by his plea to transfer the Sabbath to Sunday); but I beg him to consider as a faithful physician whether the medicine which he prescribes is not a dangerous potion, the imbibing whereof will mean either life or death; and whether he who has said so truly elsewhere that we are gardeners who cut away the dead branches but must beware lest we cut into the living wood, really considers our Sabbath so dead that he does not fear that he is cutting into the living wood! . . . If we transfer the Sabbath to the Sunday we will bury Judaism on Friday evening to permit it to be resurrected on Sunday morning as another religion!"

Philippson gave voice to his unqualified opposition in the statement: "All history declares against the transfer of the Sabbath. Christianity and Islam have transferred the Sabbath to Sunday and Friday respectively in order to have nothing in common with the Jews, and to obtain their autonomy. And Judaism shall now surrender its autonomy, and we shall go and say, We wish to celebrate the days that you celebrate⁸."

¹ *Protokolle*, 82. See also *Israëlites des neunzehnten Jahrhunderts*, VII, 283, 339, note.

² *Protokolle*, 79.

³ *Ibid.*, 115.

⁴ *Ibid.*, 119.

⁵ *Ibid.*, 125.

⁶ *Ibid.*, 130.

⁷ *Ibid.*, 149.

⁸ However, in discussing S. Adler's resolution (see below), he declared

S. Adler offered a resolution on this subject of the following tenor: "Resolved that the conference, while recognizing the purposefulness of associations for the reform of Judaism¹ in general, and of Sunday services because they are held on that work-day on which the German Jews of to-day have more leisure than any other, still declares that the conducting of a *Sabbath service on Sunday*, whether this be the only service of the week or a second service in addition to one held on Saturday, contradicts the teaching and the spirit of Judaism, and as such is unwarrantable." The Sabbath commission to whom this resolution was referred reported as follows: "The commission is of the opinion, with which the mover of the resolution agrees, that since it has appeared most emphatically and impressively from the debate on the Sabbath that the conference attaches a sabbatical character to the Saturday, the chief contention of the resolution is thereby upheld, but the need for Sunday services is not so widespread that deliberation on the subject is necessary, and for this reason action on this subject be postponed²."

The main purpose of Adler's resolution was to place the conference on record as opposed to a transfer of the

a service on Sunday to be an urgent need of the times (*Protokolle*, 250); see also *Allgemeine Zeitung des Judenthums*, X, 502-3.

¹ The object of this resolution, aside from its main subject, was to encourage such reform organizations as the recently organized Berlin Reform Association. This association had attempted to come into close relations with the conference at the meeting in Frankfort the previous year. This year the Berliners addressed a letter to the conference; after referring to the occurrence at the previous conference the letter proceeded to set forth the work of both organizations; the writers claimed that both their association and the conference were at one in their campaign against petrified orthodoxy and in the attempt to express and promulgate the pure content of Judaism. The letter was rather dictatorial in tone, and aroused some resentment among the members of the conference. It was referred to a committee consisting of Stein, Einhorn, and S. Adler, with the instruction to prepare an answer. When this answer was submitted, it caused so much discussion and gave rise to such decided differences of view that the whole matter was dropped (*Protokolle*, 278).

² *Protokolle*, 249-50.

Sabbath to Sunday; the resolution was called forth undoubtedly by the action of the recently formed Reform Society of Berlin, which held its service on Sunday. The mover of the resolution evidently wished to have it understood that he approved of organizations like the Berlin society which were formed to advance the cause of Reform Judaism, and, further, that there could be no objection to a service on Sunday, the day on which the Jews were at leisure, but that there was decided objection to giving this service the character of a Sabbath service¹.

¹ Sunday services were introduced at this period by a number of congregations, notably the Berlin Reform Congregation, the full story whereof will form the subject of a subsequent chapter. In Königsberg a service on Sunday in addition to the regular Sabbath service was instituted May 30, 1847, by the rabbi Dr. J. L. Saalschütz; the orthodox party appealed to the government, calling attention to a ministerial rescript which forbade Jews to change their traditional mode of worship; the government accordingly ordered the cessation of services on Sunday (*Allgemeine Zeitung des Judenthums*, XI, 378, 428-9); the officers of the congregation succeeded in having this prohibition withdrawn, whereupon Sunday, June 13, was selected as the day for the introduction of these services; before this day arrived the government renewed its prohibition under threat of a heavy fine; after further negotiations the government finally gave its consent, and a regular Sunday service was instituted on August 1; a special ritual in German was composed for this service (*ibid.*, 448, 491, 523); in the sermon delivered on this occasion Dr. Saalschütz gave the history of the reform movement in the congregation, and stated his reasons for favouring a service on Sunday (*ibid.*, 558-9).

Dr. S. Formstecher of Offenbach instituted a service on Sunday afternoon in 1847 (*ibid.*, 378, 428); his opponents petitioned the government to forbid his taking that step; the petition was rejected (*ibid.*, 504).

The reform congregation of Pesth, Hungary, organized in August, 1848, held its services on Sunday.

Other interesting incidents indicate how widespread at this time was the desire for a religious service on the civil day of rest. In March, 1846, a number of members of the congregation of Brussels requested the introduction of a service on Sunday because they were unable to attend on Saturday, and desired to go with their families to a religious service once a week (*ibid.*, X, 264-5). Fould, the Parisian banker, when a member of the Chamber of Deputies (1843), suggested the practicability of such a compromise (*Voice of Jacob*, III, 214). In 1845 a wealthy merchant of Frankfort-on-the-Main offered two thousand thalers towards

In the discussion that ensued Philippon stated that he considered a service on Sunday to be an urgent need of the time, and desired a division of the two suggestions in Adler's resolution and a separate vote on each. This was not agreed to. Holdheim urged that the conference contradicted itself by this declaration; it had adopted no resolution on the subject of the transfer of the Sabbath, and yet declared by this statement that only the seventh day has a sabbatical character.

Further debate was disallowed, but each member was permitted to make a personal explanation in giving his vote. Philippon, Holdheim, and Hess did so. The remainder of the members voted in favour of the resolution postponing further consideration of the question; as it happened, this postponement proved the final action on the subject, for the fourth conference was never convened. The Sabbath question was not broached at a rabbinical conference until fifty-six years later, when it was discussed at the New Orleans meeting of the central conference of American Rabbis¹. The Breslau conference was bitterly criticized, and stigmatized as cowardly by the radical wing in Jewry for this action. Geiger took notice of this criticism in the publication already referred to a number of times, and defended the conference².

As finally adopted by the conference, the resolutions on the Sabbath read as follows:—

The conference declares:

1. That the restoration of a worthy celebration of the the erection of a new synagogue, on the condition that it be opened every fortnight for a religious service on Sunday, when the organ should be played and a sermon delivered (*Orient*, VI, 178). On December 8, 1850, a service on Sunday afternoon was instituted in Vienna for the benefit of the many apprentices whose occupation did not permit them to attend on Saturday (*Allgemeine Zeitung des Judenthums*, XIV, 712).

¹ *Year-book of Central Conference of American Rabbis*, XII. The Pittsburg Conference of 1885, however, had made a declaration permitting the conducting of services on Sunday.

² *Die dritte Versammlung deutscher Rabbinen: ein vorläufiges Wort zur Verständigung*.

Sabbath as a day of rest and consecration is one of the most sacred tasks both of the Israelitish teacher and of each individual Israelite, and that therefore attention must be devoted particularly towards arousing an ever livelier consciousness of the holiness of the Sabbath by an edifying divine service and by the furtherance of Sabbath consecration in the homes.

2. That the celebration of the Sabbath by a worthy and dignified divine service is of such marked importance that activities otherwise prohibited may not be forbidden in connexion therewith, and that therefore everything which conduces towards a worthy performance of the service and makes the participation of the individual in an edifying service possible is permitted.

3. That no spiritual activities detract from the Sabbath celebration.

4. That if a cessation of one's occupation jeopardizes his livelihood, the attending thereto on the Sabbath by non-Israelites is permissible.

5. That in cases where the entire temporal well-being, where property and possessions, where the means for future livelihood are threatened, no religious duty is violated if precautions to save these are taken on the Sabbath, nay, if even the actual work of saving is done on the Sabbath.

6. That in case of danger to life, whether of self or others, of Israelites or non-Israelites, everything is permitted, yes, commanded to be done to avert this danger.

7. That the over-great rigour of existing commands for the observance of the Sabbath is injurious to such observance. Therefore those far-fetched hedges which are intended to produce complete leisurely rest are not binding.

8. That the devices which were invented by former authorities with the purpose of alleviating the rigour of Sabbath observance, but which seem to be evasions like *Erube Chazeroth* and *Erube T'chumin*, are inadmissible for us, nay, superfluous—notably the latter in the matter of short journeys undertaken not for industrial purposes.

9. That the Jewish soldier is obliged to perform his full military duties on the Sabbath.

10. That the Jewish official may perform the duties of his office in as far as he is obliged to do so on the Sabbath, with the understanding, however, that he strive to have the spirit of consecration permeate his home on the Sabbath.

11. The conference is of opinion that societies for the restoration of a worthy celebration of the Sabbath are of benefit under certain circumstances.

These resolutions were lamentably inadequate. True, they declare against the Talmudical casuistry of *Erube Chazeroth* and *Erube T'chumin*, but they substitute a new casuistry. There is no bold position taken; a painful hesitancy is apparent. At the Frankfort meeting the conference, in its resolutions on the liturgy, had opened a new path, and had broken with such Talmudical stand-points as were outgrown, but at Breslau an altogether different spirit seemed to pervade the meetings; a confident consciousness of strength and ability to cope with the situation marked the Frankfort gathering; a halting fear to grapple with the problem, as though it demanded a prowess greater than theirs, lamed the powers of the participants in the Breslau meeting. It was undoubtedly too much to expect that a way out of the difficulty would be found, but the disappointment was none the less keen, and the Breslau Conference, as will be shown later on, evoked a storm of criticism from both the liberal and conservative sides.

Although the Sabbath discussion was the all-absorbing incident of this conference, other questions were discussed, to which reference must now be made.

Festivals.—The commission to which the Sabbath question had been referred also reported on various points in connexion with the observance of the holidays, notably the question of the observance of the second day. Wechsler reported for the commission¹; several recommendations

¹ *Protokolle*, 190-3.

were made, which were preceded by a preliminary address which set forth the reason for these recommendations in somewhat the following language:—

The observance of the second day lacks all reason in our time, whatever may have been its justification in an earlier day. The reason given in the Talmud for this observance, because this may be necessary in the future when the restoration to Palestine takes place and the temple will be rebuilt, does not impress us very deeply.

Although the original reasons for the institution of these second days no longer obtains, still it cannot be denied that the people look upon them as holy and assign to them religious significance. As long as this remains the case no good reason can be advanced for abandoning them, but if because of their frequency they become a burden or detract from the fervour wherewith the first days are observed, then the time has come to abolish them. It may be that this is the case with some of these second days and not with others. At any rate, circumstances may differ in different communities, and it should be left to each congregation to determine this according to these circumstances, we merely giving the assurance that, if any congregation determines to abolish the observance of these days, there is nothing in Judaism to prevent it.

The report was debated at length¹, and the resolutions as finally adopted read as follows:—

1. The second days of the holidays, viz. the second and eighth days of Passover, the second day of the Feast of Weeks, New Year, the Feast of Tabernacles, and the Feast of Conclusion, have no longer any significance for our time according to our religious sources; the second day of the New Year, however, deserves special consideration.

2. Therefore, if any congregations abolish some or all of these second days, they violate no religious ordinance and are thoroughly justified in their act.

3. If there be serious objection on the part of some

¹ *Protokolle*, 208–48.

members of a congregation to such abolition, a holiday service may be held on the second day, but the prohibition to work on that day is not binding.

4. The prohibition to eat leavened bread on the twenty-second of Nissan (the eighth day of Passover) is not binding.

5. It is permitted to blow the *shofar* on New Year's Day, and to use the four prescribed fruits on the first Day of Tabernacles when these days fall on a Sabbath; in such congregations as observe only one day, these features of the observance of the holiday must be observed when the holiday falls on Sabbath.

6. The custom to abstain from eating leguminous plants, inclusive of rice and hirse on Passover, is absolutely unfounded and is therefore not to be observed.

Liturgy.—At the Frankfort Conference a commission on liturgy had been appointed, to prepare a plan for a prayer book along the lines of the ideas developed in the discussion and contained in the resolutions adopted. This commission failed to agree on a great number of special points; in its report to the conference at Breslau these points to the number of thirty-one were mentioned¹; it was found impracticable to discuss these points in open meeting; it was therefore resolved to refer the report to a special committee, which was to confer with the commission on liturgy and report during the session. This committee consisted of Einhorn, S. Adler, Wechsler, Holdheim, and Philippson. At a later session it was resolved that the report of this committee be printed and sent to each member of the conference, with the request that objections and suggestions be communicated to the committee, which should report a definite plan for a prayer book to the next conference². In this connexion mention may be made of a communication addressed to the conference by the congregation of Cöslin, stating that this congregation had adopted the resolutions touching the liturgy passed at the Frankfort Conference. In this communication the

¹ *Protokolle*, 33.

² *Ibid.*, 271-4, 291.

following words were used, which are reproduced here because they express exactly the status of the conferences in their relation to the congregations: "All your resolutions, both those which have been adopted and those which are still to be adopted, are to be considered not as irrefragable legislation, but only as deliverances founded upon the spirit and the pure principles of Judaism, which every individual congregation can modify in accordance with its particular religious needs and its condition of culture¹."

Circumcision.—At the opening session of the conference a communication from Dr. Adolph Arnhold of Breslau, in which he set forth in detail the sad experience he had had in having his two children circumcised; the first had almost bled to death; the second had died from the effects of circumcision. He asked the conference, not for a decision of the question as to whether circumcision was necessary and indispensable for the Jews, but for an opinion as to how he should act in the future. "Should a son be born to me hereafter, will it not suffice if I have him named in the synagogue and have the customary benediction pronounced; can the state, can the congregation raise any objection to such an initiation of my sons into Judaism, considering the experiences I have had?" This communication, together with others on the subject of circumcision, was discussed in executive session. Philippson urged the necessity of reforms in the method of circumcision; he declared that the operation must be so safeguarded as to exclude the possibility of fatal results. The entire matter was referred to a commission of three consisting of S. Adler, Holdheim and Philippson, with instructions to report during the sessions of the conference. The commission reported on July 19, and after a lengthy discussion the conference adopted the following resolutions on the subject of circumcision:—

1. It is necessary that every *mohel* take a thorough course of instruction from a competent physician in all

¹ *Protokolle*, 86.

matters touching the operation, pass an examination, and have a license (*legitimation*).

2. Any *mohel* who, because of any bodily defect, such as trembling of the hands, near-sightedness, &c., is unfit to perform the operation, shall not be permitted hereafter to fill the office.

3. The operation of the *P'riah* with a surgical instrument is not ritually forbidden; it is therefore to be left to the judgement of the operator or the assisting physician which method is to be used, whether with the nail as is the traditional custom or with a surgical instrument.

4. The *mezizah* is to be discontinued.

5. It is desirable to leave the after-treatment to a physician or surgeon.

6. It is necessary that a medical examination take place before the circumcision in order that it be determined whether any bodily suffering or defect make a deferring of the act advisable or necessary.

7. In such cases in which, according to a physician's declaration, a child has died or has sustained lasting injury from circumcision, and it is therefore a fair supposition that danger to life and health threaten a second child of the same parents, the act of circumcision is to be suspended until a medical declaration has been given that no danger of any kind is to be feared as a result of circumcision.

The conference did not discuss for a moment the question whether circumcision is a *conditio sine qua non* of admission into Judaism. The resolutions adopted at Breslau had the purpose simply of reforming certain abuses, and of preventing as far as possible any ill effects from the operation¹.

¹ Dr. A. Arnhold, whose communication had caused the conference to take up the circumcision question, published a pamphlet on the subject after the adjournment of the conference, entitled *Die Beschneidung und ihre Reform mit besonderer Rücksicht auf die Verhandlungen der dritten Rabbinerversammlung*, Breslau, 1846.

Mourning Customs.—Another matter in Jewish life that called loudly for reform was the customs observed in connexion with death and mourning. The subject was broached at the last session of the Frankfort Conference, but was considered of too great importance to be disposed of in the hurry of a closing session; it was postponed therefore to the next conference. Stein reported for the commission at the Breslau Conference, whose final action resulted in the adoption of a number of important reforms¹. The conference declared that the following customs which were survivals from earlier periods of Jewish life, viz. the tearing of the clothes (קריעה), the abstention from shaving the beard, the sitting on the earth, the dispensing with leather footwear, as well as the prohibitions to wash, bathe, and greet acquaintances, have lost all significance and religious meaning for our time, nay, more, they are inconsistent with our religious sentiment and are therefore to be abolished. The conference declared it to be advisable that the mourner remain at home the first three days, counting from the day of burial (instead of the first seven as hitherto), in as far as this is compatible with the higher duties of life and considerations of health. Further, the conference advised that the mourner close his business altogether on the day of burial if at all possible, and that on the two following days he himself abstain from participation in his business although others may conduct it for him.

Reform of Marriage Laws.—At the Brunswick Conference a commission had been appointed to revise the Jewish marriage laws. This commission did not report at the Frankfort Conference, but a question propounded to this conference for solution by the congregation of Bingen was referred to it. The question touched the method of reconciliation of the Jewish and the civil marriage and divorce laws². Also at the third conference the commission did not report except briefly at the last

¹ Protokolle, 279, 290.

² Protokolle der zweiten Rabbinerversammlung, 189, 222.

session, when they claimed the indulgence of the conference for longer time because of the importance of the work submitted to them. However, several times during the session the subject of the marriage laws came to the fore. At the opening meeting Holdheim submitted a resolution¹ to the effect that the conference devote attention to a number of points in the traditional marriage laws which required reform, revision, and change². At the closing meeting the commission on marriage laws recommended that the old institution of *chalitza* be declared unsuited to modern conditions because "the levirate marriage and the *chalitza* were instituted in a time when the views on the position of woman, the family rights and the perpetuation of the individual, were entirely different from what they are now; they had their origin under different social conditions, and they are not only improper but unjustified under the entirely different views and conditions of to-day, nay, they are an insult to the free personality of woman, an insult to the religion; they are dangerous fetters which must be loosed." The commission therefore offered the resolution "that the conference declare that no other conditions are necessary for the re-marriage of a childless widow than for any other Jewish marriages³." No definite action, however, was taken on this recommendation.

The Position of Woman.—At the Frankfort Conference a commission had been appointed to report on the religious duties of woman in the light of the change of modern thought on her position. The commission reported at the Breslau Conference as follows:—

We recommend that the rabbinical conference declare

¹ *Protokolle der dritten Rabbinerversammlung*, 9-11.

² These suggestions were embodied in a pamphlet which he had issued the preceding year, entitled *Vorschläge zu einer zeitgemässen Reform der jüdischen Ehegesetze, der nächsten Rabbinerversammlung zur Prüfung übergeben*, Schwerin, 1845.

³ *Protokolle*, 298.

woman to be entitled to the same religious rights and subject to the same religious duties as man, and in accordance herewith make the following pronouncements:

1. That women are obliged to perform such religious acts as depend on a fixed time¹, in as far as such acts still have significance for our religious consciousness.

2. That woman must perform all duties towards children in the same measure as man.

3. That neither the husband nor the father has the right to release from her vow a daughter or a wife who has obtained her religious majority.

4. That the benediction *שלא עשני אשה* ("Praised be thou, O Lord our God, who hast not made me a woman"), which owed its origin to the belief in the religious inferiority of woman, be abolished.

5. That the female sex is obligated from youth up to participate in religious instruction and the public religious service, and be counted for *minyan*, and finally

6. That the religious majority of both sexes begin with the thirteenth year².

Unfortunately, this important and interesting report could not be discussed owing to lack of time. It was merely read at the last session but one. In practice, however, these first recommendations on this subject in the history of the reform movement have been carried out in reform congregations, notably in the United States, where, with the abolition of the woman's gallery in the synagogue and the introduction of family pews, much more decided steps forward have been taken. Woman's religious equality with man is fully recognized in reform congregations. Einhorn, in presenting this report, reviewed the whole subject of the position of woman in Judaism, pointing out her inferiority in the public religious functions from the Biblical, Talmudical, and rabbinical standpoint,

¹ מצוה שזמן גרמה בה, in contradiction of the Talmudical principle which holds the opposite. *Talm. Bah. Kidd.*, 29 b.

² *Protokolle*, 265.

and closed characteristically as follows: "It is our sacred duty to declare with all emphasis the complete religious equality of woman with man in view of the religious standpoint that we represent, according to which an equal degree of natural holiness inheres in all people, the distinctions in sacred writ having therefore only relative and momentary significance. Life, which is stronger than all theory, has already accomplished something in this respect; but much is still wanting for complete equality, and even the little that has been achieved still lacks legal sanction. It is therefore our mission to make legal declaration of the equal religious obligation and justification of woman in as far as this is possible; we have the same right to do this as had the synod under Rabbenu Gershom eight hundred years ago, which passed new religious decrees in favour of the female sex. The Talmud asks in reference to the *מזוזה* command, *נשי לא בעי חיי*; let us interpret this principle in a much higher sense by applying it to the religious life, and thus enable our congregations to make use of powers that have been alienated only too long¹."

Rabbinical Seminary.—The commission appointed at the Frankfort Conference to present a plan for the foundation of a rabbinical seminary reported at this conference that an event had taken place during the past year which promised to make possible the opening of such an institution much sooner than any of them had hoped would prove the case. Mr. J. Fränckel, a wealthy Jew of Breslau, who had died recently, had left provision in his will for the foundation of a rabbinical seminary; upon being apprised of this, the commission had addressed a communication to the executors of the will, informing them of the steps the conference had taken in this matter, and offering the assistance of the conference in carrying out the work². The commission reported further that they had had a personal interview with the executors, and had received the assur-

¹ *Protokolle*, 265.

² *Ibid.*, 292.

ance from the latter that they would take pleasure in giving the fullest consideration to the suggestions of the conference. The account of the well-known rabbinical seminary of Breslau, the institution which Fränkel's munificent bequest called into being, does not belong here; sufficient to say that the first practical suggestions for such an institution emanated from the rabbinical conferences upon the initiative chiefly of Philippson and Geiger.

As was the case with the two preceding conferences, so also did the Breslau Conference arouse a storm of opposition, with this difference, however, that, while the Brunswick and Frankfort Conferences had been denounced chiefly by the orthodox, the Breslau Conference called forth the scorn of the radicals; truth to say, the third conference seemed to satisfy no party; its compromising attitude put it out of favour with both extremes¹; it was notably the Sabbath discussions and resolutions which were made to bear the brunt of the attacks; the other discussions and resolutions were passed over almost altogether. The conference had scarcely adjourned ere the public press began to teem with denunciatory articles, notably the *Deutsche Allgemeine Zeitung*, the *Frankfurter Journal*, and the *Oberpostamtszeitung*; most of these articles were republished in the Jewish press. The first gun was fired from Frankfort; the issue of the *Frankfurter Journal* of August, 1846 (No. 219)² contained a bitter arraignment of the Breslau Conference by twelve Jews of the city on the Main; it opened with the words "The third rabbinical conference has lost the confidence of the German Jews, and it is time that the friends of progress in Judaism assemble and declare openly and freely this fact, felt by all and denied by none." The

¹ "The assembly shares the fate of all public bodies which follow expediency instead of principle; whilst it goes too far for the one, it does too little for the other." *Voice of Jacob*, VI, 11.

² Reprinted in *Allgemeine Zeitung des Judenthums*, X, 505-8.

letter called the rabbis reactionary, not representative of the progressive spirit ruling in German congregations, desirous of assuming hierarchical authority, &c., &c. The neglect of the conference to declare for the transfer of the Saturday to the Sunday, as the only solution of the problem, was the cause of this diatribe, as appeared from the close of the communication.

This arraignment called forth a number of answers in defence of the conference, viz. from Leopold Stein, the rabbi of Frankfort¹; from the congregation of Alzey²; and from B. Wechsler, the rabbi of Oldenburg, in the *Bremer Zeitung* of August 18³.

A second attack by Frankfort Jews, supposedly members of the defunct Reform Society, declared that the Breslau Conference had gone backward; that, whereas the first two conferences were animated by the reform progressive spirit, the Breslau Conference was characterized by rabbinical casuistry⁴; this too was answered by Stein⁵.

Holdheim too voiced the dissatisfaction of the radical element in a number of open letters⁶; he stated that the dissatisfaction on the part of the liberals was justified, but that this dissatisfaction was due not so much to the results as to the spirit that pervaded the transactions . . .; the conference had lost its place as a guiding influence in Jewish life, which it had maintained in the two former meetings; at Frankfort it had taken the bold

¹ In the same newspaper and reprinted in *Allgemeine Zeitung des Judenthums*, X, 524.

² *Ibid.*, X, 527.

³ See also *ibid.*, 528.

⁴ Published first in *Frankfurter Journal* and reprinted in *Allgemeine Zeitung des Judenthums*, X, 530-1.

⁵ *Ibid.*, 573-4; see also a further article by Stein, "Die Rabbinerversammlung: ein Wort zur Verständigung an alle, welche sich für dieselbe interessiren," *Israelit des neunzehnten Jahrhunderts*, VII, 209; cf. also Geiger, *Nachgelassene Schriften*, V, 192.

⁶ "Offene Briefe über die dritte Rabbinerversammlung," *Israelit des neunzehnten Jahrhunderts*, VII, 361-4, 369-72, 377-80. See also an anonymous article, "Ein Dialog über die dritte Rabbinerversammlung," *ibid.*, 289-92, 297-300.

position that the Hebrew language was not an absolute requirement for the services, although it had stated that its partial retention was advisable under present conditions; it had not said that it must wait with a declaration on this question until the whole community of Israel had come to this conclusion; it led. How different its attitude on the Sabbath question at Breslau; here it feared to take the initiative by declaring for the only possible solution, the transfer; what if the community at large was not ready for it; it had to come if Judaism was to be saved; the conference should be the organ, not merely of present day but also of future Judaism, and should give voice not alone to present convictions, but point the way to the future.

Geiger, the president of the conference, was moved, chiefly because of these attacks, to write two lengthy defences of the work of the conference, before the official publication of the proceedings appeared. Occasional references have already been made to both these pamphlets¹. In the former of these pamphlets he reviewed the work of the rabbinical conferences in general; of this he said they sought "to clear away abuses, to breathe into Judaism the living spirit, and make it susceptible of forms suitable for our time; further, the conferences stand also for the historical development of Judaism, building on the past and preparing for the future. In this spirit the Breslau Conference worked also." In the second pamphlet he met the attacks on the attitude of the conference on the Sabbath question; he stated that it was the most pressing question of the time, and the conference had to consider it. It would have been cowardly to evade it, as many say the conference should have done; the conference could not possibly suggest the transfer to Sunday; an institution of Judaism that

¹ *Vorläufiger Bericht über die Thätigkeit der dritten Versammlung deutscher Rabbiner*, Breslau, 1844; *Die dritte Versammlung deutscher Rabbiner: ein vorläufiges Wort zur Verständigung*, Breslau, 1846.

has existed for thousands of years and is one of its very fundamentals cannot be legislated out of existence by a rabbinical conference. As for a service on Sunday, there can certainly be no objection to a supplemental service as long as it is not a Sabbath service, and any congregation can institute it; but many fear that it is only the opening wedge to a complete transfer. The conference, although asked to pronounce upon the permissibility of a service on Sunday for the benefit of such as do not attend on Saturday, postponed consideration of this question; but it is only postponed; the conference will have to take it up next year or some other time.

However, this was not to be; no further conference was convened; when the Breslau Conference adjourned, it was with the full expectation that the yearly meetings would continue. Geiger, in a letter to the dissatisfied radical element, said: "Let us prepare for future conferences; the task before us is great; let us aim to accomplish this in unity and mutual understanding¹." The executive committee appointed at the Breslau Conference took steps towards convening the next conference at Mannheim in 1847; this conference was not held, because the consent of the government was not received in time to convene the meeting at the appointed time²; the executive committee requested opinions from members whether they would attend a meeting to be held at a later day in that year; after receiving a negative reply from twelve the committee issued a notice that the next conference would be held July 17, 1848³. The permission to hold the conference at Mannheim was received from the government of Baden on March 3, 1848. The executive committee, consisting of H. Wagner, S. Adler, A. Adler, S. Formstecher, and L. Stein, addressed a communication to the members of

¹ *Sendschreiben an die löbliche Redaction des "Israelit des neunzehnten Jahrhunderts,"* VII, 397.

² Geiger, *Jüdische Zeitschrift für Wissenschaft und Leben*, VI, 170.

³ *Allgemeine Zeitung des Judenthums*, XI, 608.

the conference, dated Worms, July 24, 1848, in which they say, after mentioning the fact that they had received the consent of the government of Baden to hold the conference at Mannheim, that they did not consider it feasible to take advantage of this belated permission, since they were of opinion that the rabbinical conference no longer met the needs of the Jewish situation; "the people should and must have a voice in the deliberations and decisions"; therefore they proposed that a synod be convened to take the place of the conference, and that both rabbis and laymen participate in this synod¹. Hence, the conference at Breslau proved to be the last reform rabbinical conference to be held in Germany till 1868, when the Cassel Conference took place.

The rabbinical conferences of 1844, 1845, and 1846, will remain for all time among the most remarkable gatherings in the history of Judaism; it was here that the great truth received public expression that Judaism contained in itself the power of adaptation to changing needs and conditions of life in the successive ages of the world's progress; it was here that the spirit of the Jewish tradition and the spirit of modernity met each other face to face in public view and became welded in firm embrace. The conferences pretended to no hierarchical authority²; they furnished the platform for the discussion of the vexing problems in Jewish life. That they did not solve these problems does not militate against their importance and usefulness, for indeed Geiger was correct when towards the close of his defence of the Breslau Conference, he wrote: "The rabbinical conference is the most powerful agent for progress in Judaism, the institution which will show itself more and more capable of meeting the needs of our religious conditions³"; it is an eternal pity that circumstances prevented their perpetuation; true, it is in vain

¹ *Allgemeine Zeitung des Judenthums*, XII, 470.

² *Protokolle der dritten Versammlung deutscher Rabbiner*, 266.

³ *Ein vorläufiges Wort*, 12.

to attempt to describe what might have been, but this much may be said, that of all the early results of the reform movement the rabbinical conferences of the fifth decade have gone down into history as the most characteristic expression of that task at which the present generation is still labouring, viz. the interpretation of the principles of Judaism in the light of modern conditions and the garbing of its eternal truths in expressions and institutions that are of the age and generation; in other words, the emphasizing of the all-important truth that Judaism spells development and not stagnation, for this is the intent and content of the reform movement.

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